

[*Manning v. Detroit Edison Corp.*](#), 90-ERA-28 (ALJ May 29, 1990)

Go to: [Law Library Directory](#) | [Whistleblower Collection Directory](#) | [Search Form](#) | [Citation Guidelines](#)

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: May 29, 1991
CASE NO. 90-ERA-28

IN THE MATTER OF

WILLIAM MANNING,
COMPLAINANT;

v.

DETROIT EDISON CORPORATION;
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER APPROVING SETTLEMENT

Before me for review is the Recommended Order Approving Settlement Agreement and Dismissing Complaint, issued April 16, 1991; by the Administrative Law Judge (ALJ) in this case, under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA). 42 U.S.C. § 5851 (1988). The ALJ found the agreement fair, adequate and reasonable, *see Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. order, Mar. 23, 1989, Slip op. at 1-2, and recommended that the agreement be approved and the case dismissed with prejudice.

Review of the agreement reveals that it may encompass the settlement of matters under laws, other than the ERA. *See, e.g.*, Settlement Agreement paras. 1, 4, and 6. As stated in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order, Nov. 2, 1987, slip op. at 2:

[Page 2]

[The Secretary's] authority over settlement agreements is limited to such statutes as are within [the Secretary's] jurisdiction and is defined by the applicable statute.

See Aurich v. Consolidated Edison Company of New York, Inc., Case No. [86-]CAA-2, Secretary's Order Approving Settlement, issued July 29, 1987; *Chase v. Buncombe County, N.C.*, Case No. 85-SWD- 4, Secretary's Order on Remand, issued November 3, 1986.

I have, therefore, limited my review of the agreement to determining whether the terms thereof are a fair, adequate and reasonable settlement of Complainant's allegation that Respondents violated the ERA.

Upon review of the terms of the agreement signed by the parties, and based on the record of this case, I find that the agreement is fair, adequate, and reasonable. I therefore accept the ALJ's recommendation that the agreement be approved. Accordingly, this case is DISMISSED WITH PREJUDICE. Settlement Agreement para. 3.

SO ORDERED.

Lynn Martin
Secretary of Labor

Washington, D.C.